ALLIANCE COAL, LLC

JASON N. HECK
ENVIRONMENTAL COORDINATOR

September 22, 2009

Section Supervisor
Inventory & Data Management Section
KPDES Branch
200 Fair Oaks Lane
Fourth Floor
Frankfort, KY 40601

AI# 4069

RE: KPDES #KY0001970 - Modification
River View Coal, LLC.
Union County KY

Dear Mr. Cleaver,

River View Coal, LLC (River View), a wholly owned subsidiary of Alliance Coal, LLC (Alliance), requests the consideration of the attached Form 1, Form C and Socioeconomic Demonstration and Alternatives Analysis (SDAA). The purpose of the application is to allow River View to construct a new sediment basin for control of surface water run off from the River View office support area.

Our lab, RoseDale Services, will collect and analyze a representative sample of the watershed. This sample will be submitted upon receipt to the Kentucky DOW.

If you have any questions or comments, please direct them to my attention. My direct telephone number is (859) 685-6356.

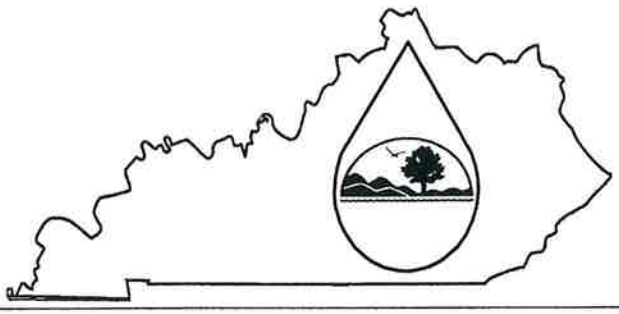
Sincerely,

Jason N. Heck,
Environmental Coordinator
Alliance Coal, LLC

771 CORPORATE DRIVE; SUITE 1000; LEXINGTON, KENTUCKY; 40503
TELEPHONE : (859) 685-6356 TELEFAX : (859) 224-7211 EMAIL : JASON.HECK@ARLP.COM

KPDES FORM 1

AI# 4009



KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

RECEIVED
SEP 28 2009

PERMIT APPLICATION

This is an application to: (check one)

- ☐ Apply for a new permit.
- ☐ Apply for reissuance of expiring permit.
- ☐ Apply for a construction permit.
- ☒ Modify an existing permit.
  Give reason for modification under Item II.A.

A complete application consists of this form and one of the following:
Form A, Form B, Form C, Form F, or Form SC

For additional information contact:
KPDES Branch (502) 564-3410

I. FACILITY LOCATION AND CONTACT INFORMATION	AGENCY USE	0	0	0	1	9	7	0

A. Name of Business, Municipality, Company, Etc. Requesting Permit
River View Coal, LLC

B. Facility Name and Location	C. Primary Mailing Address (all facility correspondence will be sent to this address). **Include owner's mailing address (if different) in D.**
Facility Location Name: River View Coal, LLC.	Facility Contact Name and Title: Mr. ☒ Ms. ☐ Alliance Coal, LLC
Facility Location Address (i.e. street, road, etc., **not P.O. Box**): 835 SR 1179	Mailing Address: 771 Corporate Drive, Suite 1000
Facility Location City, State, Zip Code: Waverly, KY 42462	Mailing City, State, Zip Code: Lexington, KY 40503
D. Owner's name (if not the same as in part A and C): Raymond R. Ashcraft, Jr.	Facility Contact Telephone Number: (859)224-7225
Owner's Mailing Address:	Owner's Telephone Number (if different):

II. FACILITY DESCRIPTION

A. Provide a brief description of activities, products, etc: Underground mining of bituminous coal and associated reclamation activities.

B. Standard Industrial Classification (SIC) Code and Description

Principal SIC Code & Description:	1221		
Other SIC Codes:			

III. FACILITY LOCATION

A. Attach a U.S. Geological Survey 7 ½ minute quadrangle map for the site. (See instructions)

B. County where facility is located: Union	City where facility is located (if applicable): Morgantown
C. Body of water receiving discharge: Little Mason Creek	
D. Facility Site Latitude (degrees, minutes, seconds): 37° 44' 33"	Facility Site Longitude (degrees, minutes, seconds): 87° 57' 12"
E. Method used to obtain latitude & longitude (see instructions):	Topo
F. Facility Dun and Bradstreet Number (DUNS #) (if applicable):	

IV. OWNER/OPERATOR INFORMATION

A. Type of Ownership:
☐ Publicly Owned ☒ Privately Owned ☐ State Owned ☐ Both Public and Private Owned ☐ Federally owned

B. Operator Contact Information (See instructions)

Name of Treatment Plant Operator: Dickie Crum	Telephone Number: (606)789-8102
Operator Mailing Address (Street): P.O. Box 92	
Operator Mailing Address (City, State, Zip Code): Meally, KY 41234	
Is the operator also the owner? Yes ☐ No ☒	Is the operator certified? If yes, list certification class and number below. Yes ☒ No ☐
Certification Class: Class I	Certification Number: 00135

V. EXISTING ENVIRONMENTAL PERMITS

Current NPDES Number: KY0001970	Issue Date of Current Permit: 8/31/2003	Expiration Date of Current Permit: 4/30/2010
Number of Times Permit Reissued: 0	Date of Original Permit Issuance: 10/01/1998	Sludge Disposal Permit Number:
Kentucky DOW Operational Permit #:	Kentucky DSMRE Permit Number(s):	

Which of the following additional environmental permit/registration categories will also apply to this facility?

CATEGORY	EXISTING PERMIT WITH NO.	PERMIT NEEDED WITH PLANNED APPLICATION DATE
Air Emission Source		
Solid or Special Waste		
Hazardous Waste - Registration or Permit		

VI. DISCHARGE MONITORING REPORTS (DMRs)

KPDES permit holders are required to submit DMRs to the Division of Water on a regular schedule (as defined by the KPDES permit). Information in this section serves to specifically identify the name and telephone number of the DMR official and the DMR mailing address (if different from the primary mailing address in Section I.C).

A. DMR Official (i.e., the department, office or individual designated as responsible for submitting DMR forms to the Division of Water):	Mark Henshaw
DMR Official Telephone Number:	270-389-6722

B. DMR Mailing Address:
- Address the Division of Water will use to mail DMR forms (if different from mailing address in Section I.C), or
- Contact address if another individual, company, laboratory, etc. completes DMRs for you; e.g., contract laboratory address.

DMR Mailing Name:	RoseDale Services Inc.
DMR Mailing Address:	1125 East Walnut St.
DMR Mailing City, State, Zip Code:	Booneville, IN 47601

VII. APPLICATION FILING FEE

KPDES regulations require that a permit applicant pay an application filing fee equal to twenty percent of the permit base fee. Please examine the base and filing fees listed below and in the Form 1 instructions and enclose a check payable to "Kentucky State Treasurer" for the appropriate amount (for permit renewals, please include the KPDES permit number on the check to ensure proper crediting). Descriptions of the base fee amounts are given in the "General Instructions."

Facility Fee Category:	Filing Fee Enclosed:
Major Industry	

VIII. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (type or print):	TELEPHONE NUMBER (area code and number):
Mr. ☒ Ms. ☐ Raymond R. Ascraft, Jr. Manager - Environmental Affairs	(859)224-7225
SIGNATURE	DATE: 9/25/09

Return completed application form and attachments to: **KPDES Branch, Division of Water, Frankfort Office Park, 14 Reilly Road, Frankfort, KY 40601. Direct questions to: KPDES Branch at (502) 564-3410.**

AI# 4069

KPDES FORM C

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

PERMIT APPLICATION

A complete application consists of this form and Form 1.
For additional information, contact KPDES Branch, (502) 564-3410.

Name of Facility: River View Coal, LLC.	County: Union							
I. OUTFALL LOCATION	AGENCY USE	0	0	0	1	9	7	0

For each outfall list the latitude and longitude of its location to the nearest 15 seconds and the name of the receiving water.

Outfall No. (list)	LATITUDE			LONGITUDE			RECEIVING WATER (name)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	
010	37	44	41	87	53	07	Little Mason Creek-Ohio River

II. FLOWS, SOURCES OF POLLUTION, AND TREATMENT TECHNOLOGIES

A. Attach a line drawing showing the water flow through the facility. Indicate sources of intake water, operations contributing wastewater to the effluent, and treatment units labeled to correspond to the more detailed descriptions in Item B. Construct a water balance on the line drawing by showing average flows between intakes, operations, treatment units, and outfall. If a water balance cannot be determined (e.g., for certain mining activities), provide a pictorial description of the nature and amount of any sources of water and any collection or treatment measures.

B. For each outfall, provide a description of: (1) all operations contributing wastewater to the effluent, including process wastewater, sanitary wastewater, cooling water, and storm water runoff; (2) the average flow contributed by each operation; and (3) the treatment received by the wastewater. Continue on additional sheets if necessary.

OUTFALL NO. (list)	OPERATION(S) CONTRIBUTING FLOW		TREATMENT	
	Operation (list)	Avg/Design Flow (include units)	Description	List Codes from Table C-1
010	Surface runoff	300 CFS	sediment basin	1-U

II. FLOWS, SOURCES OF POLLUTION, AND TREATMENT TECHNOLOGIES (Continued)

C. Except for storm water runoff, leaks, or spills, are any of the discharges described in Items II-A or B intermittent or seasonal?

☐ Yes (Complete the following table.) ☒ No (Go to Section III.)

OUTFALL NUMBER (list)	OPERATIONS CONTRIBUTING FLOW (list)	FREQUENCY		FLOW				
		Days Per Week (specify average)	Months Per Year (specify average)	Flow Rate (in mgd)		Total volume (specify with units)		Duration (in days)
				Long-Term Average	Maximum Daily	Long-Term Average	Maximum Daily	

III. MAXIMUM PRODUCTION

A. Does an effluent guideline limitation promulgated by EPA under Section 304 of the Clean Water Act apply to your facility?

☒ Yes (Complete Item III-B) List effluent guideline category:

☐ No (Go to Section IV)

B. Are the limitations in the applicable effluent guideline expressed in terms of production (or other measures of operation)?

☐ Yes (Complete Item III-C) ☒ No (Go to Section IV)

C. If you answered "Yes" to Item III-B, list the quantity which represents the actual measurement of your maximum level of production, expressed in the terms and units used in the applicable effluent guideline, and indicate the affected outfalls.

MAXIMUM QUANTITY			Affected Outfalls (list outfall numbers)
Quantity Per Day	Units of Measure	Operation, Product, Material, Etc. (specify)	

IV. IMPROVEMENTS

A. Are you now required by any federal, state or local authority to meet any implementation schedule for the construction, upgrading, or operation of wastewater equipment or practices or any other environmental programs which may affect the discharges described in this application? This includes, but is not limited to, permit conditions, administrative or enforcement orders, enforcement compliance schedule letters, stipulations, court orders and grant or loan conditions.

☐ Yes (Complete the following table) ☒ No (Go to Item IV-B)

IDENTIFICATION OF CONDITION AGREEMENT, ETC.	AFFECTED OUTFALLS		BRIEF DESCRIPTION OF PROJECT	FINAL COMPLIANCE DATE	
	No.	Source of Discharge		Required	Projected

B. OPTIONAL: You may attach additional sheets describing any additional water pollution control programs (or other environmental projects which may affect your discharges) you now have under way or which you plan. Indicate whether each program is now under way or planned, and indicate your actual or planned schedules for construction.

V. INTAKE AND EFFLUENT CHARACTERISTICS

A, B, & C: See instructions before proceeding – Complete one set of tables for each outfall – Annotate the outfall number in the space provided.
NOTE: Tables V-A, V-B, and V-C are included on separate sheets numbered 5-18.

D. Use the space below to list any of the pollutants (refer to SARA Title III, Section 313) listed in Table C-3 of the instructions, which you know or have reason to believe is discharged or may be discharged from any outfall. For every pollutant you list, briefly describe the reasons you believe it to be present and report any analytical data in your possession.

POLLUTANT	SOURCE	POLLUTANT	SOURCE

VI. POTENTIAL DISCHARGES NOT COVERED BY ANALYSIS

A. Is any pollutant listed in Item V-C a substance or a component of a substance which you use or produce, or expect to use or produce over the next 5 years as an immediate or final product or byproduct?

☐ Yes (List all such pollutants below) ☒ No (Go to Item VI-B)

B. Are your operations such that your raw materials, processes, or products can reasonably be expected to vary so that your discharge of pollutants may during the next 5 years exceed two times the maximum values reported in Item V?

☐ Yes (Complete Item VI-C) ☒ No (Go to Item VII)

C. If you answered "Yes" to Item VI-B, explain below and describe in detail to the best of your ability at this time the sources and expected levels of such pollutants which you anticipate will be discharged from each outfall over the next 5 years. Continue on additional sheets if you need more space.

VII. BIOLOGICAL TOXICITY TESTING DATA

Do you have any knowledge of or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

☐ Yes (Identify the test(s) and describe their purposes below) ☒ No (Go to Section VIII)

VIII. CONTRACT ANALYSIS INFORMATION

Were any of the analyses reported in Item V performed by a contract laboratory or consulting firm?

☒ Yes (list the name, address, and telephone number of, and pollutants analyzed by each such laboratory or firm below) ☐ No (Go to Section IX)

NAME	ADDRESS	TELEPHONE (Area code & number)	POLLUTANTS ANALYZED (list)
RoseDale Services, Inc.	1125 E. Walnut Street, Boonville, IN 47601	(812)897-2530	Outfall 003 listed in application

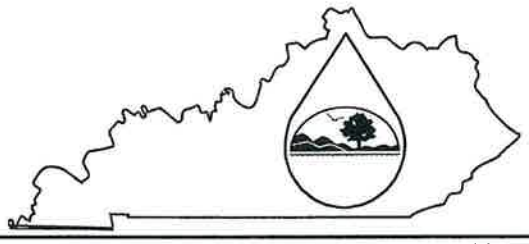
IX. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (type or print):	TELEPHONE NUMBER (area code and number):
Raymond R. Ashcraft Jr. - Manager Environmental Issues and Permitting	(859)224-7225
SIGNATURE	DATE 9/25/09

AI# 4069

KPDES FORM SDAA



Kentucky Pollutant Discharge Elimination System (KPDES)

Socioeconomic Demonstration and Alternatives Analysis

The Antidegradation Implementation Procedure found in 401 KAR 10:030, Section 1(3)(b)3 requires KPDES permit applications for new or expanded discharges to waters categorized as "Exceptional or High Quality Waters" to conduct a socioeconomic demonstration and alternatives analysis to justify the necessity of lowering local water quality to accommodate important economic or social development in the area in which the water is located. This demonstration shall include this completed form and copies of any engineering reports, economic feasibility studies, or other supporting documentation

I. Project Information

KY0001970

Facility Name: River View Coal, LLC.

Location: 1741 Hilltop Rd	**County: Union**

Receiving Waters Impacted: Little Mason Creek

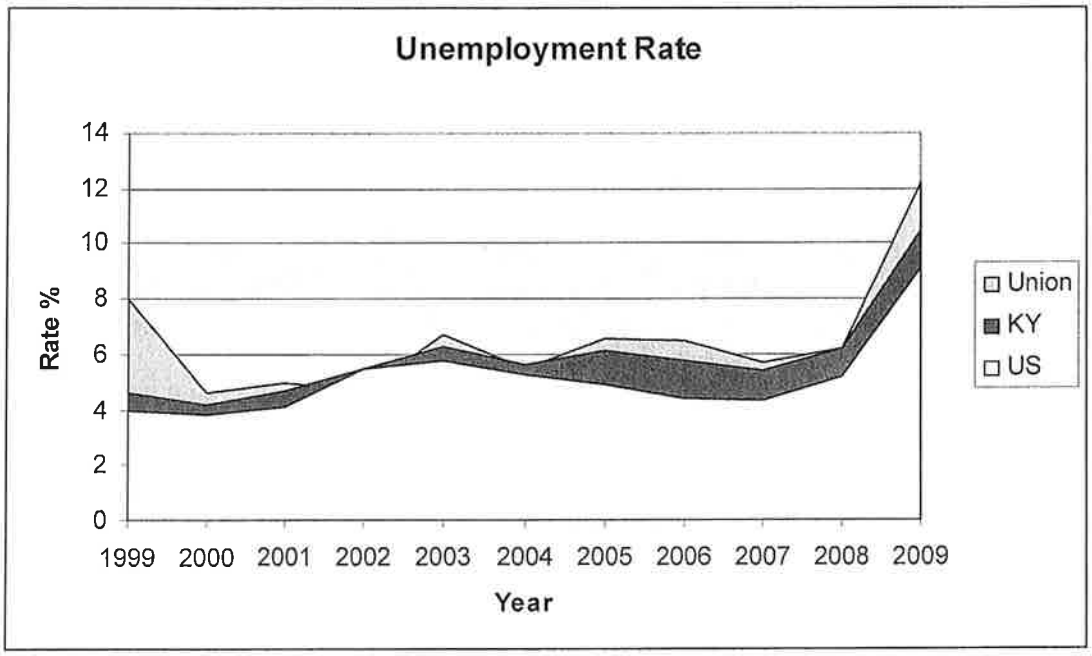
II. Socioeconomic Demonstration

1. Define the boundaries of the affected community:
(Specify the geographic region the proposed project is expected to affect. Include name all cities, towns, and counties. This geographic region must include the proposed receiving water.)

The new River View facility is located on the west side of Uniontown Kentucky. The towns that will be affected by the new direct and indirect job opportunities are Uniontown, Morganville, Hitesville, Waverly, Spring Grove Henderson, Corydon and Smith Mills.
The Proposed receiving waters will be Little Mason Creek.

2. The effect on employment in the affected community:
(Compare current unemployment rates in the affected community to current state and national unemployment rates. Discuss how the proposed project will positively or negatively impact those rates, including quantifying the number of jobs created and/or continued and the quality of those jobs.)

The small community of Uniontown in Union County historically has an unemployment rate higher than the state and national average. This project will continue the employment of 600 people of which 90% will be Kentucky residents.* Studies indicate that the mining industry creates 3 indirect jobs for each actual direct mining position.** Based on these indicators, over 1800 jobs will be supported by this project. The expected life of this project is 25 years. This project will provide long term employment for area residents.



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**PricewaterhouseCooper LLP report, January 15, 2008*

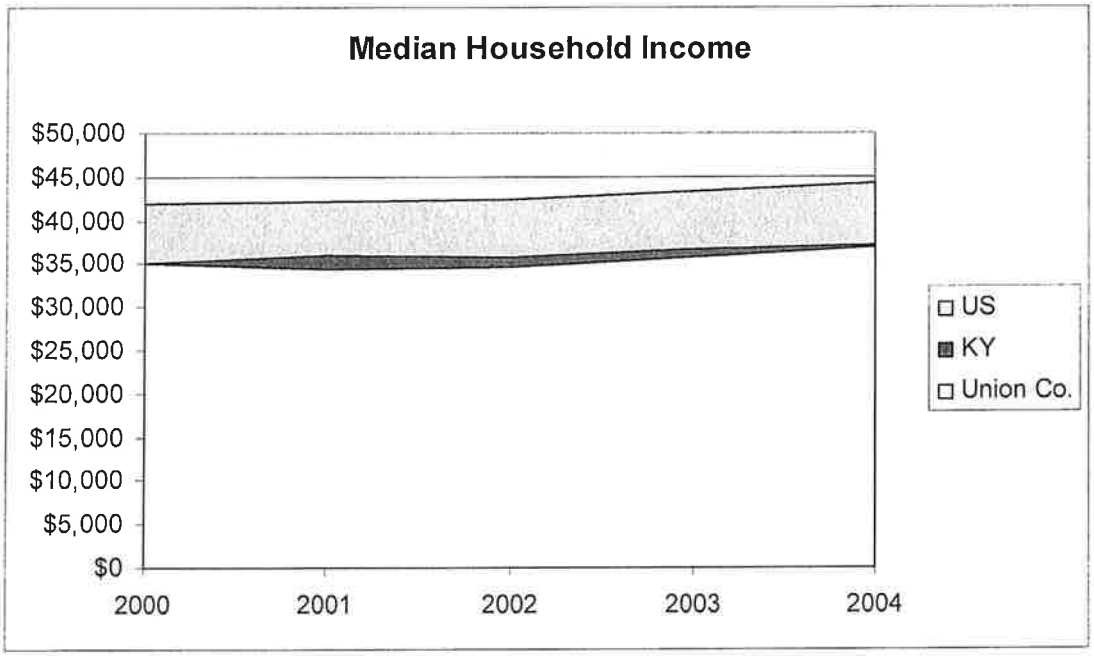
**Source: University of Kentucky Center for Business and Economic Research: Economic Impact Analysis of Coal in Kentucky, *(1995-2004) by Haywood and Baldwin*

*** Workforce Kentucky

II. Socioeconomic Demonstration- continued

3. The effect on median household income levels in the affected community:
(Compare current median household income levels with projected median household income levels. Discuss how proposed project will positively or negatively impact the median household income in the affected community including the number of households expected to be impacted within the affected community.)

The average weekly earning for a mining employee in Union County in 2010 will be $1751.00. These earnings accounted for 5.8% of the total county wages for that time period. The income realized from the direct jobs provided by this project will bear $91,100 year/household or approximately $27,504,000 a year collectively. Currently Kentucky ranks 44th nationally in per capita income. The jobs provided by this project allow these households to earn more than most other occupations in Union county including construction, manufacturing agriculture and finance. At least 2400 home will be socially and/or economically impacted by this new facility.



Workforce Kentucky

4. The effect on tax revenues of the affected community:
(Compare current tax revenues of the affected community with the projected increase in tax revenues generated by the proposed project. Discuss the positive and negative social and economic impacts on the affected community by the projected increase.)

In addition to 600 direct jobs provided by this project, it will also provide for more employment indirectly in the mining service jobs. These jobs include equipment sale, mining engineering consultants, food service, fuel sales, transportation, coal washing and blending. The mining industry directly contributes to Union County's economy through real taxes, personal property taxes and the state severance tax. The severance tax rate for coal is 4.5% of which 50% is slated to return to the counties of origin. For 2010 , Union County's severance tax revenues will be approximately $5.4 million dollars*. Severance tax dollars are used for local education, health services, judicial services and infrastructure project and economic development. This project will contribute to this tax base and help provide more funding for county improvements.

* *PricewaterhouseCooper LLP report, January 15, 2008*

II. Socioeconomic Demonstration- continued

5. The effect on an existing environmental or public health in affected community:
(Discuss how the proposed project will have a positive or negative impact on an existing environmental or public health.)

This project will eliminate non-point source agricultural run off from this project area which has affected this watershed. Drainage from this area will be directed through the sediment structure preventing excessive siltation and fertilization of the stream reach. This will also eliminate the possibility of herbicides/pesticides finding their way into the surface water. The discharge from this outlet will be monitored so that sub-standard discharge should not occur. Drainage control for this area will lead to healthier habitat for aquatic species and other wildlife and an area that is ecologically functional and aesthetically pleasing. Reclamation plans call for development of a wildlife and fish habitat and commercial area.

6. Discuss any other economic or social benefit to the affected community:
(Discuss any positive or negative impact on the economy of the affected community including direct and or indirect benefits that could occur as a result of the project. Discuss any positive or negative impact on the social benefits to the community including direct and indirect benefits that could occur as a result of the project.)

The jobs that this project provides pay some of the highest wages in Union County. The maintenance of these jobs will have a positive significant impact on the community's economy. Comparing the median family income of Union county residents with that of other Kentucky families, Union county families earn on the average $11,245 less per year.

III. Alternative Analysis

1. Pollution prevention measures:
(Discuss the pollution prevention measures evaluated including the feasibility of those measures and the cost. Measures to be addressed include but are not limited to changes in processes, source reductions or substitution with less toxic substances. Indicate which measures are to be implemented.)

We do not anticipate any treatment costs for the storm water runoff from the bathhouse/office complex. However, if suspended solids become elevated we may utilize a flocculant.

2. The use of best management practices to minimize impacts:
(Discuss the consideration and use of best management practices that will assist in minimizing impacts to water quality from the proposed permitted activity.)

It is the policy of River View Coal, LLC. to operate it's facilities in an environmentally responsible manner minimizing the potential for release of pollutants to the environment from ancillary activities, to immediately respond and provide sufficient resources for the mitigation of any environmental incident that may originate from it facilities.
It's the objective of River View to maintain and implement up to date Spill Prevention and Control Countermeasures, Groundwater Protection Plans, Hazard Communication and Inventory/Waster Management and Contingency. Also it is the responsibility of River View to identify those areas which pose potential risk(s) to the environment from an uncontrolled release of pollutants, which must then be assessed, provide controls and procedures to minimize and establish response procedures in the event an incident occurs.

3. Recycle or reuse of wastewater, waste by-products, or production materials and fluids:
(Discuss the potential recycle or reuse opportunities evaluated including the feasibility of implementation and the costs. Indicate which of, of these opportunities are to be implemented)

By maintaining these 600 jobs, this facility will avoid a decrease of the area's employment. This is significant for Uniontown due to the fact that the community is small and current economics limit employment possibilities. As old mines become worked out, it becomes very important that new ones be permitted in order to prevent the decrease in employment and income of the area. A decrease in the mining activities in the area would produce the detrimental effect of more unemployed residents leading the area to economic distress. Although in a current upswing, the mining industry had experienced an almost 30% decrease in employment preceding 2005. These jobs help to decrease that trend.
*Workforce Kentucky

III. Alternative Analysis – continued

4. Application of water conversation methods:
(Discuss the potential water conservation opportunities evaluated including the feasibility of implementation and the costs. Indicate which of, of these opportunities are to be implemented)

The facilities that the sewage pond will serve is a bathhouse, office sinks and bathrooms. So by that nature they will be used on a minimal and need only basis.

5 Alternative or enhanced treatment technology:
(Compare feasibility and costs of proposed treatment with the feasibility and costs of alternative or enhanced treatment technologies that may result in more complete pollutant removal. Describe each candidate technology including the efficiency and reliability in pollutant removal and the capital and operational costs to implement those candidate technologies. Justify the selection of the proposed treatment technology.)

The nearest municipal sewage treatment facility is the Uniontown Water and Sewer 3.3 miles south east in Morganfield. This plant was not designed for or capable of effectively treating either type (high solid) or volume of water involved with this project. Influx of water from this project would likely overload this facility resulting in a bypass which would lead to a discharge of untreated municipal wastes creating a serious public health hazard and violations at this facility

Routing of water to this plant would require 17,400 ft of line, a network of pump and lift stations, and obtaining numerous right-of-ways and easements. Conservatively estimating line @ $22/ft, two lift stations at $75,000 each, ignoring other state requirements, the minimum cost of this option would exceed $500,000.

Transporting this volume of water by self-contained disposal trucks would greatly increase the operational cost of this project. Based on a 25 year, 24 hour rain event, the possible peak discharge from this project could exceed 40,000 gpm. Rates quoted from Somerset Environmental in Somerset, KY indicated charges of $65/hour (gate to gate)/ 3,000 gallon pick-up of non-hazardous wastewater and a $0.49/gallon disposal fee.

Deep well injection was also considered to handle storm water run off. However the costs of well construction alone would exceed $250,000. In addition, the volume of waste water exceed the capacity of the receiving formation.

III. Alternative Analysis - continued

6. Improved operation and maintenance of existing treatment systems:
(Discuss improvements in the operation and maintenance of any available existing treatment system that could accept the wastewater. Compare the feasibility and costs of improving an existing system with the feasibility and cost of the proposed treatment system.)

There are no treatment facilities on site.

7. Seasonal or controlled discharge options:
(Discuss the potential of retaining generated wastewaters for controlled releases under optimal conditions, i.e. during periods when the receiving water has greater assimilative capacity. Compare the feasibility and cost of such a management technique with the feasibility and cost of the proposed treatment system.)

Choosing not to mine this area as an alternate to lowering water quality was evaluated but the loss of 600 jobs and the resulting $48 million dollars in collective salaries, the loss of approximately 1800 other indirect job resulting from this project as well as the loss of revenues including severance tax estimated at $11 millions dollars annually would have negative economic consequences.

III. Alternative Analysis - continued

8 Land application or infiltration or disposal via an Underground Injection Control Well

(Discuss the potential of utilizing a spray field or an Underground Injection Control Well for shallow or deep well disposal. Compare the feasibility and costs of such treatment techniques with the feasibility and costs of .proposed treatment system.)

Since this is an active mine area no water is allowed to be injected into mine works under MSHA guidelines. Deep well injection is a possible alternative. The only formation that would be capable of handling the wastewater would be approximately 2,500' feet underground. At this depth a large drill rig would be required. A rig capable of installing a 2,500' steel lined well requires a concrete footer with a pad to provide the stability necessary to a well of the required depth. The estimated cost for this activity is more than $250,000 for well construction only. In addition, the volume of waste water exceed the capacity of the receiving formation.

Based on the characteristics of the wastewater, land application is not a feasible or recommended option. It would also be a non-point source pollutant.

9 Discharge to other treatment systems

(Discuss the availability of either public or private treatments systems with sufficient hydrologic capacity and sophistication to treat the wastewaters generated by this project. Compare the feasibility and costs of such options with the feasibility and costs of the proposed treatment system.)

River View also considered discharging the wastewater into the City of Uniontown, KY POTW system. Discussions with Uniontown City Officials indicated that the River View wastewater flow rates were higher than allowable pre-treatment permit limits. Thus, this option was eliminated from further consideration.

IV Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Title:	Raymond R. Ashcraft – Manager Environmental Affairs	**Telephone No.:**	(859)224-7225
Signature:		**Date:**	9/25/09

POWER OF ATTORNEY

ALLIANCE COAL, LLC AND SUBSIDIARIES

TO

RAYMOND R. ASHCRAFT, JR.

MARCH 29, 2001

EXPIRES: INDEFINITE

KNOW ALL MEN BY THESE PRESENTS: That Alliance Coal, LLC organized and existing under the laws of the State of Delaware (the "Company") acting on its behalf and its wholly owned subsidiaries, has and does hereby appoint Raymond R. Ashcraft, Jr., its true and lawful Attorney in Fact with power and authority, for and on behalf, and in the name of the Company business, to file for, execute, process, or otherwise take necessary action pertaining to environmental applications for air, waste, and water permits, applications for surface disturbance mining permits, renewals thereof, or amendments or supplements thereto, certificates or other instruments directly related to such applications, renewals, amendments or supplements required to be filed with any local, state or federal governments agency directly related to the Company coal mining operations.

The Attorney herein appointed shall be authorized to act hereunder from the date hereof only so long as such Attorney shall remain an employee or authorized agent of the Company, or until such earlier time as this instrument has been revoked, annulled, rescinded or set aside by an instrument or revocation filed with the Company, whichever first occurs.

IN WITNESS WHEREOF, the Company has caused this Power of Attorney to be executed on its behalf, and its seal to be hereunto affixed and attested, in the County of Tulsa, State of Oklahoma, as of the day and year first above written, by the undersigned, Thomas L. Pearson, Esq. the duly authorized Secretary of Alliance Coal, LLC and Subsidiaries.

Alliance Coal, LLC and Subsidiaries

BY: Thomas L Pearson

Thomas L. Pearson, Esq.
Senior Vice President - Law and
Administration, General Counsel and
Secretary

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public in and for said County and State, on this 23 day of March, 2001, personally appeared Thomas L. Pearson, Esq., to me known to be the identical person who executed the within and forgoing instrument as Secretary of Alliance Coal, LLC and its subsidiaries and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of the corporation for the uses and purposes therein stated.

Given under my hand and seal of office on the day and year first above written.

SEAL

Carol D. Ogg
Notary Public

My Commission Expires: August 13, 2003